

01-12-04

PTO/SB/30 Revised (5/20/00)

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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.
See The American Inventors Protection Act of 1999 (AIPA).

| | |
|----------------------|-------------------|
| Application Number | 09/818,954 |
| Filing Date | March 27, 2001 |
| First Named Inventor | Paszy et al. |
| Group / Art Unit | 1647 |
| Examiner Name | L. Spector, Ph.D. |
| Attorney Docket No. | A-676B |

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provision of the AIPA. See Changes to Application Examination and Provisional Application Practice Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
 - i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
 - ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - iii. ☐ Other _____
- b. ☒ Enclosed
 - i. ☒ Amendment/Reply
 - ii. ☐ Affidavit(s)/Declaration(s)
 - iii. ☐ Information Disclosure Statement (IDS)
 - iv. ☐ Other _____

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other _____

3. Fees

- The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.
- a. ☒ The Commissioner is hereby authorized to charge the following fees, or credit any overpayments to Deposit Account No. 01-0519
 - i. ☒ RCE fee required under 37 C.F.R. § 1.17(e) in the amount of \$770.00.
 - ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) in the amount of \$950.00. If an additional extension of time is required, please consider this a request therefor.
 - iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ is enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED

| | | | |
|-------------------|--------------------|-----------------------------------|-----------------|
| NAME (Print/Type) | Scott N. Bernstein | Registration No. (Attorney/Agent) | 38,827 |
| SIGNATURE | | Date: | January 9, 2004 |

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" No. EV 352488732US service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

| | | | |
|-------------------|--------------------|-------|-----------------|
| NAME (Print/Type) | Joyce Murphy-Vogel | Date: | January 9, 2004 |
| SIGNATURE | | | |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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770.00 DA 01 FC:1801



FEE AUTHORIZATION / AMENDMENT TRANSMITTAL LETTER

Attorney's Docket No:
A-676B

| | | | |
|--------------------------|-------------------------------|-------------------------------|------------------------|
| Serial No. 09/818,954 | Filing Date March 27, 2001 | Examiner L. Spector, Ph.D. | Group Art Unit 1647 |
|--------------------------|-------------------------------|-------------------------------|------------------------|

In Re Application of
Paszty et al.For
NUCLEIC ACID MOLECULES ENCODING BETA-LIKE GLYCOPROTEIN HORMONE POLYPEPTIDES AND
HETERODIMERS THEREOF

TO THE COMMISSIONER FOR PATENTS:

- ☒ Applicant(s) request(s) the following extension of time under 37 CFR 1.136(a):
- ☐ One month of original due date (\$110.00)
 - ☐ Two months of original due date (\$420.00)
 - ☒ Three months of original due date (\$950.00)
 - ☐ Four months of original due date (\$1,480.00)
 - ☐ Five months of original due date (\$2,010.00)
- ☒ A response in connection with the matter for which this extension is requested:
- ☒ is filed herewith.
 - ☐ has been filed.
 - ☐ The response is the filing of a continuing prosecution application, the prior application having an express abandonment conditioned on the granting of a filing date to the continuing application.
- ☒ The accompanying papers include amended claims for which no additional fee is required.
- ☐ The accompanying papers include amended claims the fee for which has been calculated as follows:

CLAIMS AS AMENDED

| (1) | (2) Claims remaining After amendment | (3) | (4) Highest number Previously paid for | (5) No. of Extra claims present | (6) Rate | (7) Additional Fee |
|---|--|-------|--|---------------------------------------|-------------|--------------------------|
| Total Claims | * | Minus | ** | = 0 | x \$18 | = \$ 0.00 |
| Indep. Claims | * | Minus | *** | = 0 | x \$86 | = 0.00 |
| <input type="checkbox"/> First Appearance of a multiple dependent claim | | | | | + \$290 | = 0.00 |
| Total Additional Fee for this Amendment | | | | | | \$0.00 |

- * If the entry in column 2 is less than the entry in column 4, write "0" in column 5.
- ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
- *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space.
- The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col 1. of a prior amendment or the number of claims originally filed.

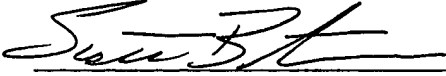
- ☐ The following other fees are incurred by the accompanying papers.
- ☐ Other: _____

Please charge Deposit Account No. 01-0519 in the name of Amgen Inc. in the amount of \$ 950.00. A duplicate copy of this petition is attached.

- ☒ If an additional extension of time is required, please consider this a request therefore.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required by the accompanying papers, or credit any overpayment to Deposit Account No. 01-0519.

Please Send Future Correspondence To:

US Patent Operations/[SNB]
Dept. 4300, M/S 27-4-A
AMGEN INC.
One Amgen Center Drive
Thousand Oaks, California 91320-1799


Scott N. Bernstein
Attorney for Applicants
Registration No.: 38,827
Phone: (805) 447-4128
Date: January 9, 2004

EXPRESS MAIL CERTIFICATE

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Date of Deposit: January 9, 2004

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Signature

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Applicant(s): Paszty *et al.*

Serial No.: 09/818,954

Group Art Unit No.: 1647

Filed: March 27, 2001

Examiner: L. Spector, Ph.D.

For: NUCLEIC ACID MOLECULES
ENCODING BETA-LIKE
GLYCOPROTEIN HORMONE
POLYPEPTIDES AND HETERODIMERS
THEREOF

Docket No.: A-676B

PRELIMINARY AMENDMENT AND RESPONSE TO
FINAL OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Preliminary Amendment and Response to Final Office Action is filed concurrently with Applicant's RCE application of Serial No. 09/818,954, and is in response to the Final Office Action issued therein, dated July 11, 2003 (Paper No. 13), in which claims 1-8, 10, 11, and 47-51, 61, and 65 were variously rejected under 35 U.S.C. § 101, § 102(b), § 103(a), and § 112. Reconsideration and withdrawal of the rejections are respectfully requested in light of the following amendments and remarks. This amendment is timely filed along with a petition for a three-month extension of time and the appropriate fee.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.

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Joyce Murphy-Vogel

Printed Name